

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 7<sup>TH</sup> FEBRUARY 2012 AT 10.00 AM**

P Councillor Fi Hance  
A Councillor Alf Havvock  
P Councillor Brenda Hugill  
P Councillor Jay Jethwa  
P Councillor Tim Leaman (for Cllr Havvock)

**PSP**

**157.2/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Havvock, substitute Councillor Leaman.

**PSP**

**158.2/12 DECLARATIONS OF INTEREST**

The following declaration of interest was received and noted:

Councillor Jethwa - Agenda Item No. 6. She stated that she recognised MO from having visited her premises with a colleague of his that she knows. She does not know MO and had provided only general advice to him.

Councillor Hance - Agenda Item No. 8. She works for Stephen Williams MP and she recognises MAA from him having Stephen Williams' offices.

**PSP**

**159.2/12 PUBLIC FORUM**

The following statement was received

1. Councillor Faruk Choudhury - Agenda Item No. 8 - MAA. Taken into account when the Committee made its decision:
2. Late statement – Tim Lloyd, National Taxi Association - Unmet Demand Survey. Passed to the Licensing Section for a response.

A copy of each of the statements is contained in the Minute Book.

**PSP**

**160.2/12 CONSIDERATION OF THE SUSPENSION OF COMMITTEE PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE MOVING OF MOTIONS AND RULES OF DEBATE FOR THE DURATION OF THE MEETING**

**RESOLVED -** that having regard to the quasi judicial nature of the business on the agenda, those Committee Rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for the duration of the meeting.

**PSP**

**161.2/12 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED -** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended.

**PSP**

**162.2/12 REPORT OF OFFENDING CONDUCT – PRIVATE HIRE DRIVER’S LICENCE - MO**

(Exempt paragraph 3 - Information relating to a person’s financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 6) considering whether action is necessary in respect of the Private Hire Driver’s Licence held by MO.

MO was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Enforcement Officer introduced the report and summarised it for everyone. He advised that MO had held a licence since 2008 and his current one expires on 5<sup>th</sup> April 2014.

MO then put his case and answered questions highlighting the following:

He admitted the offence of plying for hire

- One the day of the offence his wife had been due to give birth
- It was in the middle of the night and he had been approached by two women who asked if he was available; he agreed to take them for health and safety reasons
- After dropping them off and being approached by the Enforcement Officers he admitted the offence immediately
- It is his first offence and he has never had any other problems; he is always very courteous to his customers
- Any ban would make life very difficult for him financially as he has a wife and children to support
- He came to the UK in 2003 and has learnt English and integrated into society; he has always worked hard and this is his first offence
- He provided character references and these are in the Minute Book
- He explained that he has other financial responsibilities to people in his country of origin who are disabled and financially dependant on him
- He summed up his case

The Enforcement Officer confirmed that MO had admitted the offence immediately.

The Representative of the Service Director, Legal Services provided Policy advice.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 1.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - that the Private Hire Driver's Licence held by MO be suspended for a period of one month.**

**PSP**

**163.2/12**

**REPORT OF OFFENDING CONDUCT – PRIVATE HIRE DRIVER'S LICENCE - AAO**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 6) considering whether action is necessary in respect of the Private Hire Driver's Licence held by AAO.

AAO was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Enforcement Officer introduced the report and summarised it for everyone.

AAO stated that he did not have his DVLA Licence with him and confirmed that there were no more offences recorded on the licence other than the offences shown on the copy of the License that the Licensing Section has on their file. He also produced a copy of his company job sheet for the night in question. A copy of this contained in the Minute Book.

Witnesses SM and AD gave evidence and answered questions. They confirmed that they always use the same wording when flagging down drivers and never put pressure on them.

AAO then put his case and answered questions highlighting the following:

- He had a pre-booked pick up at the O2 Academy for 23:18
- He had arrived 10 to 15 minutes early and thought the two women were his pre-booked fare, although he did not ask for a name
- He is primarily employed by the company as a mechanic, although he also drives taxis as well and on this occasion was helping them out in the busy period

- When he dropped the women off he was called by his base to say that he had picked up the wrong persons and to go back
- He has never done anything like this before and was shocked and confused when confronted by the Enforcement Officers
- When he drops off a fare he always clears the data from the screen in his car

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 2.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

- RESOLVED -**
- (i) that on the balance of probabilities AAO did Illegally Plying for Hire;**
  - (ii) that the Private Hire Driver's Licence held by AAO be suspended for six months and**
  - (iii) that should an application for a new Private Hire Driver's Licence be received from AAO within six months of the date of suspension that the application be referred to the Committee for determination.**

**PSP**

**164.2/12**

**APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE LICENCE SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY - MAA**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 8) seeking consideration of an application for the renewal of a Hackney Carriage licence which seeks a departure from Council policy.

MAA was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report highlighting the following;-

The HCVL expired on 02/01/12

MAA submitted an application to renew the HCVL on 05/01/12

Previously, the HCVL was renewed on 23/2/10 and conditions were imposed concerning livery giving all HCVs a period of grace until 30/04/11 to comply with the livery conditions. MAA had not complied to date and was one of 2/3 HCV's that had not complied to date. The council accept shades of blue that are very similar to the "Bristol blue" colour. There are a total of 8 shades so far The shade of blue that MAA has on his vehicle is not similar to "Bristol blue" and has been examined by officers on a number of occasions

MAA made his case and answered questions highlighting the following:

- He produced samples of a number of different shades of "blue" including the colour of his vehicle and asked members to identify his colour
- MAA stated that his vehicle was not distinguishable in a queue
- Members did not agree with this approach and asked MAA to point out the colour of his vehicle
- MAA considers the colour of his vehicle to be near enough to the approved shades of blue that BCC should approve the colour of his vehicle
- As the car has only a few years left to be licensed as a taxi he does not consider it economically viable to invest in the cost of having it re-sprayed one of the BCC approved shades of blue
- Members then compared the colour of his vehicle to the "Bristol blue" colour and concluded that the colour on MAA's vehicle was not a colour that they could approve because it was a very dark shade of blue almost black
- He summed up his case

In response to comments from MAA, the Chair explained that BCC had agreed a list of approved colours and would be prepared to add more to this approved list if the colour was close to the "Bristol blue" colour

The Representative of the Service Director, Legal Services provided Members with Policy advice.

The Licensing Officer how the approved colours had been chosen and that MAA had presented his vehicle for approval on 3 to 4 occasions.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 3.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - that the application for renewal of a Hackney Carriage Vehicle's Licence made by MAA be refused.**

**PSP**

**165.2/12**

**APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT 15-19 STOKES CROFT, BRISTOL – KH&KG**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 9) requesting determination of an application for the grant of a street trading consent at 15-19 Stokes Croft, Bristol.

KH&KG were in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone. She confirmed that the objections made by the Responsible Authorities had been agreed by the applicants.

KH&KG then put their case and answered questions highlighting the following.

. They read out testaments from customers

- The summarised the food and drink that they would be selling; they also explained that they would be preparing the food themselves and that all packaging is biodegradable

- They would provide waste bins
- They summed up their case

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 4.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - that the Katie Houston and Kim Glegg be granted a Street Trading Consent to trade in hot and cold food at 15 - 19 Stokes Croft shown by x on the location plan attached to the application between the hours of 0700 - 1700 Mondays to Saturdays, subject to the Conditions at Appendix A to the Report and the Conditions agreed with the Food Safety Team Responsible Authority.**

## **INFORMATION ITEM**

**PSP**

**166.2/12 DATE OF NEXT MEETING**

**RESOLVED - that the next Meeting be held on Tuesday 6<sup>th</sup> March 2012 at 10.00 a.m. and is likely to be a meeting of Sub-Committee B.**

(The meeting ended at 2.20 pm.)

CHAIR



## BRISTOL CITY COUNCIL

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>TH</sup> FEBRUARY AT 10.00 AM.**

PSP 162.2/12

Agenda Item No. 6

**Agenda title**

**REPORT OF OFFENDING CONDUCT PRIVATE HIRE DRIVER'S LICENCE -  
MO**

**Finding of Facts**

MO admitted Illegally Plying for Hire.

There was reasonable cause to suspend the Private Hire Drivers Licence

**Decision**

That the Private Hire Driver's Licence held by MO be suspended for a period of one month pursuant to s.61(1).

Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 there was reasonable cause to suspend the licence

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted MO had admitted the offence straight away and had no relevant convictions.

Members considered their policy and the reasons behind it.

Members were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those whom it licensed. The Council has a duty to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Members considered the offence of unlawfully plying for hire, which in accordance with the Council's policy is considered a serious matter when deciding whether the applicant is to be treated as a fit and proper person to hold a licence and when considering the impact of such conduct on an existing

license. The Members were mindful of the responsibility it was charged with to protect members of the public and the interests of those drivers who are lawfully entitled to ply for hire.

The Members considered that the starting point was a six month suspension because they considered the importance of deterring those drivers who unlawfully ply for hire thus preventing Hackney Carriage Drivers earning a legitimate income and putting members of the public at risk.

The Members carefully considered the representations made by the applicant and accepted that MO had picked up the two women was for their health and safety as it was middle of the night. Members accepted that MO was sincerely sorry and believed hi when he said that this was his first time and that he was embarrassed to be before the members. Members were still mindful of their policy and decided that some action was necessary.

The Members were not satisfied that MO was a fit and proper person to hold Private Hire Drivers Licence and decided that a one month suspension was appropriate in the circumstances.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH FEBRUARY 2012 AT 10.00 AM.****PSP 163.2/12****Agenda Item No. 7****Agenda title****REPORT OF OFFENDING CONDUCT PRIVATE HIRE DRIVER'S LICENCE –  
AAO****Finding of Facts**

That on the balance of probabilities AAO did Illegally Plying for Hire.

The Council was no longer satisfied that AAO was a fit and proper person to hold a Private Hire Driver's Licence

There was reasonable cause to suspend the Private Hire Drivers Licence

**Decision**

(1) That the Private Hire Driver's Licence held by AAO be suspended for six months on the following grounds;

(a) (b) Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 there was reasonable cause to suspend the licence

(2) That should AAO make a further application for a Private Hire Driver's Licence within six months, the application be brought before the Committee for its determination.

## Reasons for Decision

Members of the Sub-Committee were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those whom it licensed. The Council has a duty to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Members considered the alleged offence of unlawfully plying for hire, which in accordance with the Council's policy is considered a serious matter when deciding whether the applicant is to be treated as a fit and proper person to hold a licence and when considering the impact of such conduct on an existing license.

AAO did not accept that he had been unlawfully plying for hire. Members then heard the evidence from the witnesses.

AAO in his defence said that he had a job for 23:18 and the mistake he made was that he did not ask for the name "Jim" because he thought he was picking up a pre booked fare and that he had arrived early for the job.

Members tried to reconcile the version of events put forward by AAO with the company job sheet that he presented to the members. On closer examination of the job sheet it was clear to the members that the company had a booking that came in at 23:18 with the same job pick up time and therefore could not understand why AAO stated that he arrived early for the job booked in for 23:18 when in fact the company received the call also at 23:18 for the job. The only explanation members' thought that was credible here was that AAO was not being truthful, as he had been plying for hire at around 23:00 hours and sought to persuade the members that he thought he was picking a job booked for 23:18.

Members did not consider that he had mistakenly picked up the two women thinking that they were his fare.

Members considered the version of events put forward by AAO to be inconsistent not not truthful.

They considered that the version of events put forward by the witnesses were more credible than the version of events put forward by AAO

The Members carefully considered the representations made by the applicant who maintained that he had made a mistake and have never done this before in the 10 years he has been a taxis driver. AAO also apologised to the members and said that he was sorry.

Members were mindful of the responsibility it was charged with to protect members of the public and the interests of those drivers who are lawfully entitled to ply for hire. Members decided that the Applicant had not presented any exceptional circumstances for the Members to depart from the Council's policy and agreed that the starting point was a six months suspension. Members simply did not believe the version of events put forward by AAO.

Members were unanimous that six months suspension was appropriate in this case.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH FEBRUARY 2012 AT 10.00 AM.****PSP 164.2/12****Agenda Item No. 8****Agenda title****APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE LICENCE  
SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY - MAA****Finding of Facts**

From 1<sup>st</sup> May 2008 BCC policy required that all Hackney Carriages to be an approved shade of blue (or other approved similar shade) and for previously licensed vehicles to comply by 1 May 2011.

The colour of the HCV was not the approved shade of blue or other approved similar shade.

The colour of the HCV was not a colour that was considered similar to the approved shade of blue to be added to the list of other approved similar shades of blue

**Decision**

That the application for renewal of a Hackney Carriage Vehicle's Licence made by MAA be refused pursuant to section 60(1)(c).

**Reasons for Decision**

Members considered very carefully all of the written, verbal and visual evidence presented to them.

Members did not consider that the colour of MAA's vehicle to be sufficiently close the approved shade of Blue to add it to the list of other approved similar shades of blue. Members were unanimous that the shade of blue presented to them for approval by MAA was so dark that it could almost be considered a shade of black or at very best a shade of blue/black. They therefore refused the application.

The policy adopted by the Council in April 2008 was to have a uniform colour to identify hackney carriages and exclude private hire vehicles with a restriction on advertising so that the colour is reasonably visible and not obscured. The policy has applied to vehicles registered for the first time from 1 May 2008 and became operational for previously licensed vehicles by 1 May 2011. The policy has been implemented by the imposition of conditions on HCVL and PHVL's.

The condition prohibiting the use of the vehicle as a HVC and PHV came into effect from midnight on 30 April 2011 that the licensed vehicle may not be used in standing or plying for hire.....unless its exterior appearance accords with the vehicle specification policy....

MAA renewed the HCVL on 23.12.10 and at that time as the vehicle was not compliant with the policy in that the appearance of the vehicle was not the approved shade of blue or other similar approved shade of blue conditions were attached to achieve the implementation of the policy.

MAA being an existing proprietor, therefore had more than three years to prepare for the implementation of this aspect of the policy. It is believed that all proprietors of HCV's have complied with this policy with the exception of MAA.

If the Council were to grant a licence to a vehicle whose appearance does not conform to the policy any such message would serve to mislead the public and would undermine the purpose of the policy.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH FEBRUARY 2012 AT 10.00 AM.****PSP 165.2/12****Agenda Item No. 9****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT 15-19 STOKES CROFT, BRISTOL – KH&KG****Decision**

That the Katie Houston and Kim Glegg be granted a Street Trading Consent to trade in hot and cold food at 15 - 19 Stokes Croft as shown by x on the location plan attached to the application between the hours of 0700 - 1700 Mondays to Saturdays subject to the Conditions at Appendix A to the Report and the Conditions agreed with the Food Safety Team Responsible Authority.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

Noting that the applicants had agreed to the conditions recommended by the Responsible Authorities, Members did not consider that there were any reasons to refuse the application.

**Chair's Signature**